THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.169 of 2004

27.7.2007

Between:

Pandu Bhimudu, S/o.Punnaiah

… Petitioner

AND

The Project Officer, ITDA, K.R.Puram, West Godavari District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.169 of 2004

ORDER:

On complaint by the Special Deputy Collector (SDT), (Tribal Welfare), K.R.Puram – second respondent herein; initiated action against fourth respondent under Section 3(2) of Andhra Pradesh State Land Transfer Regulation, 1959, as amended by Regulation I of 1970 (the Regulation, for brevity). After conducting enquiry, by an order dated 20.7.1985, second respondent came to the conclusion that the land admeasuring Acs.33.55 in survey Nos.21/1B, 21/2, 24/1, 24/2 and 25 situated at Ramannapalem village of Polavaram Taluq in West Godavari District, was continuously in possession and enjoyment of non-tribals even prior to 1917 and there is no violation of the Regulation. Petitioner herein is not a party to the same. Be that as it is, he preferred appeal under Section 3(3)(a)(ii) of the Regulation before the Project Officer, ITDA. Alleging that the same was not taken on file nor numbered, the present writ petition is filed seeking a direction to the Project Officer, to pass necessary orders on the same.

Heard learned Counsel for the petitioner, learned Government Pleader for Social Welfare and learned Counsel for fourth respondent. As rightly pointed out by learned Counsel for fourth respondent, against the order passed by the second respondent dated 20.7.1985, petitioner herein preferred appeal in 2002 without filing appropriate application for condonation of delay, under Section 3(3)(a)(iv) of the Regulation. Therefore, the first respondent should immediately pass orders on the delay aspect. Petitioner is also given liberty to file appropriate application for condonation of delay. As and when such application is filed, the first respondent may dispose of the same within a period of two weeks from the date of its filing.

The writ petition, with the above observations, is accordingly disposed of. No cost.

(**V.V.S.RAO, J**)

July 27, 2007.
YS